

chosen from C₁ - C₃ alkyl groups and functional groups comprising at least one oxygen or sulphur atom and in which R³-N^aH represents an α -amino acid and N^a is a nitrogen atom attached to the α -carbon of the α -amino acid.

See the Appendix 1 for the changes. The terms bracketed were cancelled from the claim.

REMARKS

The applicants respectfully request reconsideration in view of the amendments and following remarks. Support for amended claim 7 can be found in claim 7.

Claims 7, 18 and 22-27 were rejected under 35 U.S.C. § 112, first paragraph. Claims 7 and 26 was rejected under 35 U.S.C. § 102(b) as being anticipated by Fung *et al.* U.S. Patent No. 5,032,577 (hereinafter referred to as "Fung"). The applicants respectfully traverse these rejections.

The Examiner indicated that claims 11, 14, 15 and 17 are allowable and that claims 19 through 21 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in the independent form. The applicants believe that the other claims are also allowable for the reasons stated below.

35 U.S.C. § 112, First Paragraph Rejection

Claims 7, 18 and 22-27 were rejected under 35 U.S.C. § 112, first paragraph. In particular, the Examiner stated,

[c]laim 7 has been amended to include the limitation "... in which R³-N^aH represents an α -amino acid... and N^a is a nitrogen atom attached to the α -carbon of the α -amino acid". It does not appear that there is support for this limitation in the specification. Applicant points to the paragraph bridging pages 1 and 2 and examples 1 and 2 to support this limitation.

The applicants respectfully disagree. In fact, additional support can be found in the specification at page 8, lines 24 and 25, which state, "R3-NH is preferably an amino acid and more preferentially an essential amino acid". Clearly, this contemplates also amino acids other than essential amino acids as R3-NH group. In view of Examples 1 and 2, which disclose compounds in which R3-NH is an α -amino acid with N^α being attached to the α -carbon of the α -amino acid, the limitation to any α -amino acid clearly flows from the description at page 8, lines 24 to 25. For the above reasons, this rejection should be withdrawn.

Rejection of Claims 7 and 26

Claims 7 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Fung. The Examiner asserted, "Fung teaches an R^3 moiety comprising a dipeptide wherein the N^α is the N^α of an α -amino acid". The applicants have amended claim 7 by deleting the phrase, "or a peptide comprising the α -amino acid". For the above reasons, this rejection should be withdrawn.

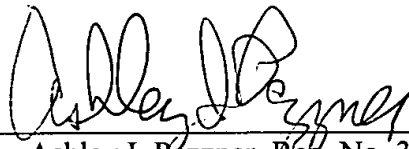
The applicants are in the process of submitting a disclosure statement listing references from a European Search report concerning the corresponding EP application, which the applicants received on December 6, 2002 (see Appendix 2 for the list of references).

No additional fees are due. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable over the references cited and applied by the Examiner and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

Connolly Bove Lodge & Hutz LLP

By 
Ashley I. Pezzner, Reg. No. 35,646
P.O. Box 2207
Wilmington, DE 19899
(302) 888-6270

Enclosures: Appendix 1- marked up copy of the claims
Appendix 2 - list of references

246182_1.DOC